

MAY 05 2015

AO-91 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT *Clerk of Court*

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Case Number: M-15-0720-M

Jose M. BORREGO-Hernandez
YOB: 1991 POB: Mexico
Citizenship: Mexico

I, the undersigned complainant state that the following is true and correct to the best of my

Knowledge and belief. On or about May 4, 2015 in Hidalgo County, in
(Date)
the Southern District of Texas Defendant(s) did,

Knowingly and intentionally possess with intent to distribute approximately 22.54 kilograms of Cocaine, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute approximately 22.54 kilograms of Cocaine, a Schedule II controlled substance.

in violation of Title 21 United States Code, Section(s) 841(a)(1), 846, and 952.


I further state that I am a(n) Special Agent And that this complaint is based on the
Official Title

following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

OK to file. TST


Signature of Complainant

Erik Diaz, HSI Special Agent
Printed Name of Complainant


Sworn to before me and signed in my presence,

May 5, 2015
Date

At

McAllen, Texas
City and State

U.S. Magistrate Judge, Dorina Ramos
Name and Title of Judicial Officer


Signature of Judicial Officer

Attachment "A"

On May 4, 2015, United States (U.S.) Customs and Border Protection Officers (CBPOs) at the Pharr, Texas Port of Entry (POE) Import lot encountered Jose M. BORREGO-Hernandez driving a tractor. BORREGO presented a manifest for an empty entry meaning he was not pulling a trailer. At primary inspection, the CBPO queried a crossing history for the carrier, and due to the low crossing history, the ~~trailer~~^{tractor} was referred for a non-intrusive inspection. During the non-intrusive inspection using x-ray, anomalies were revealed within the batteries of the tractor. As a result, the tractor was referred to the enforcement dock in order to perform an intensive inspection.

At the enforcement dock, a battery was probed by a CBPO resulting in the discovery of a foreign object within the battery. Two of the batteries were removed from the tractor and taken to an x-ray which clearly displayed objects inside of the batteries

A CBP canine alerted to the odor of narcotics from within the batteries. A subsequent search revealed 24 bricks of a substance that field tested positive for cocaine within four out of five batteries.. The total weight of the cocaine was approximately 22.54 kilograms.

HSI Special Agents responded to the port to interview BORREGO. BORREGO was read his Miranda Rights from a pre-printed form in the Spanish language. BORREGO waived his rights both orally and in writing by signing the pre-printed form.

BORREGO stated to Special Agents that he is from Reynosa, Mexico and was on his way to Pharr, Texas in order to pick up a Thermoking trailer that was located at a yard. BORREGO stated that as he as on his way to the Pharr, Texas POE, he was stopped by some unknown men who he referred to as "mañosos" driving a white Chevrolet Silverado. BORREGO stated these unknown men instructed him to remove four batteries from the tractor and replace them with the four that they were providing. BORREGO state he was told that he needed to comply^{with them}, because the unknown men knew where he lived along with his family. BORREGO stated he was instructed to leave the tractor at a store near the port of entry once he crossed into the U.S. BORREGO was told to return the next day in order to pick up the tractor and continue with his regular task of picking up the Thermoking trailer. BORREGO stated he complied with the unknown men by removing the batteries from the tractor and replacing them with the four batteries that the unknown men gave him.

BORREGO stated to Special Agents that he was never told what was in the batteries, but being from Reynosa, Mexico, and knowing that narcotics are smuggled into the U.S., he assumed the batteries were filled with marijuana or cocaine. BORREGO stated that due to fear, he didn't report the incident to the CBPO at primary inspection, knowing it was illegal to smuggle narcotics into the U.S. During the interview, BORREGO didn't seem nervous or upset as he gave a statement to Special Agents. During a consensual search of his cell phone, a message was discovered sent by BORREGO to an individual asking him in Spanish, "What do I do?" The reply received in Spanish stated, "What's up, they already approached you?" When asked about this, BORREGO stated to Special Agents that they were referring to the batteries. BORREGO stated to Special Agents that he had told his friend about the incident that he had regarding the unknown men. Special Agents advised BORREGO that no other messages appeared regarding the batteries. BORREGO then changed his story and stated that the message was referring to him being escorted in for inspection. Special Agents then asked BORREGO if he was working with this person in smuggling the narcotics. BORREGO denied this and became visibly upset by raising his voice.